

To: OPP EFED[OPP_EFED@epa.gov]; Kramer, George[Kramer.George@epa.gov]
From: Rust, Mary[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A1B1A256240E4605A98699BC59FD9122-MARY R A CLOCK-RUST]
Sent: Fri 6/7/2019 1:02:33 PM (UTC)
Subject: FW: OCSPP Daily News Clips 6/6/2019

From: Abboud, Merriam
Sent: Thursday, June 06, 2019 4:33 PM
To: OCSPP Daily Clips <OCSPP-Daily-Clips@epa.gov>
Subject: OCSPP Daily News Clips 6/6/2019

OCSPP Daily Clips
June 6, 2019

- [Bloomberg Environment: Companies Team Up as EPA Steps Up Chemicals Scrutiny](#)
- [Bloomberg Environment: Cabinet Heads, White House Gather on Pesticide Regulation Revamp](#)
- [Bloomberg Environmental: EPA Science Advisers Punt on Pollution Rule Costs, Benefits](#)
- [Greenwire: Rule would ease limits on genetically modified plants](#)
- [POLITICO Pro: EPA science advisers to weigh in on WOTUS rewrite](#)
- [POLITICO Pro: Science Advisory Board back in session](#)
- [POLITICO Pro: Science advisers vote to review EPA auto rule rollback](#)

Bloomberg Environment
Companies Team Up as EPA Steps Up Chemicals Scrutiny

<https://news.bloombergenvironment.com/environment-and-energy/companies-team-up-as-epa-steps-up-chemicals-scrutiny>

By Pat Rizzuto

Chemical makers are forming groups to share EPA fees or gauge how best to submit information to the agency as it decides by December which chemicals to pick for possible regulation.

Companies have recently formed eight or nine groups to address the \$1.35 million per-chemical fee manufacturers and importers will have to pay next year if their compounds get on the Environmental Protection Agency’s high-priority list, according to Robert J. Simon, a vice president at the American Chemistry Council, a trade group.

For example, members of the U.S. Tire Manufacturers Association will submit safety information to the EPA on 1,3-butadiene, one of the 20 chemicals the agency may review, said Sarah Amick, vice president for environment, health, safety, and sustainability. 1,3-Butadiene is used to make synthetic rubber.

Groups also offer the chance of pooling chemical exposure and safety data, said Simon, from the ACC. Three or four more industry groups are under development.

Groups need to hash out how to divide the \$1.35 million fee—or some portion of it—among group members; how to protect the financial value of chemical safety data; and whether information submitted to the EPA could also usefully be provided to other federal agencies, state regulators, or foreign governments looking at the same chemicals, he said.

Discuss ‘As Early as Possible’

“Those discussions need to start taking place as early as possible” if they haven’t already, said Martha Marrapese, a partner in Wiley Rein LLP’s Washington office. Marrapese advises companies that use some of the 20 chemicals the agency may tee up for close analysis.

Some U.S. chemical manufacturers are in “uncharted territory” when it comes to data compensation, in which one company pays another for the use of safety information the second company generated, Marrapese said.

Pooling data in groups is also important to identify gaps in the information the agency has about the 20 chemicals, in case companies want to conduct new studies to fill those gaps, ACC’s Simon said.

The information the EPA receives over the next year will be part of a record that “sets the stage for years to come,” Marrapese said. Courts could also review that record if the agency gets sued for deciding a chemical seems safe enough that it doesn’t warrant a close review, or if the EPA is challenged after it concludes a chemical’s risks warrant regulation.

Among the producers or importers of the “candidate” chemicals the agency has teed up for possible scrutiny are BASF SE; Huntsman International LLC; Koch Industries, Inc.; Lanxess; the Olin Corp.; Royal Dutch Shell plc, and Solvay SA. None of the companies Bloomberg Environment called or emailed chose to share information on their participation in groups or data submission plans.

Top 20 of 40 Candidates

Before the EPA begins to examine the 20 chemicals, it must select them from a list of 40 compounds it announced in March that describes which half of the list may be a candidate for risk evaluation—and which is a lower priority for scrutiny.

The high-priority candidates consist of seven chlorinated solvents, which are used to make car parts, cosmetics, and pesticides; six phthalates, which are used to produce plastics; four flame retardants; formaldehyde; a fragrance additive; and 1,3-butadiene which is used to make synthetic rubber.

The 20 low priority candidates include solvents, food additives and flavorings, ingredients in personal care products, and chemicals with medical uses.

Comments and information on the 40 chemicals are due June 19 and the agency will announce its final decisions by Dec. 22.

But the dockets the EPA set up for the 40 chemicals don't explain the agency's reasons for choosing them, Marrapese said.

"That's a disservice to the American public and industry," she said because "people really don't know what to provide the EPA unless they know why it chose the chemicals."

The EPA says that information is coming. Later this summer, the agency will formally propose the 20 high priority chemicals, and will release documents at that time that will include the reasons for picking those 20 chemicals, and not the other 20, the agency told Bloomberg Environment.

Shaping Risk Evaluations

The presumption is that the EPA will choose to evaluate the risks of all 20 chemicals it listed as likely candidates, said Stephen A. Owens, a partner with Squire Patton Boggs' Phoenix and Washington offices.

The information the agency receives this year may not affect its final choice of those 20, Owens and other industry attorneys said.

But the information could shape the risk evaluation plans the agency will develop from December 2019 through June 2020, they added.

The plans, called "problem formulations," describe the uses of a chemical the agency will review, along with potential health and environmental effects, and exposed populations. Under the law, once the EPA publishes the plans, state environmental agencies will generally be barred from regulating any chemical use the agency is examining.

The publication of the EPA's risk evaluation plans also triggers the \$1.35 million per chemical fee. Manufacturers and importers of each compound must pay within 120 days of EPA's problem formulation being released, according to a fee rule (RIN:2070-AK27) the agency issued last October. The fee helps defray the costs the agency incurs managing chemicals.

Owens, who oversaw the agency's chemicals and pesticides offices during the Obama administration, said the EPA faces tight deadlines to assess the 20 chemicals. And as soon as the agency finishes one evaluation, it must jump to another.

"It will be a scramble between now and forever," Owens said.

Bloomberg Environment

Cabinet Heads, White House Gather on Pesticide Regulation Revamp

<https://news.bloombergenvironment.com/environment-and-energy/cabinet-heads-white-house-gather-on-pesticide-regulation-revamp>

By Maya Goldman

A group of agency heads and White House officials emphasized making the pesticide consultation process easier for farmers and other agricultural workers, during an inaugural working group meeting June 6.

The consultation processes outlined in the Endangered Species Act are meant to ensure that federal agencies aren't doing anything to harm endangered species when they approve and regulate pesticides.

The Interagency Endangered Species Act Working Group was created under the Agriculture Improvement Act of 2018, also known as the farm bill, to revise that process. Officials at the meeting said the current process is overly complicated and outdated, and stunts the progress of America's agricultural industry.

EPA Administrator Andrew Wheeler, Agriculture Secretary Sonny Perdue, Interior Secretary David Bernhardt, Commerce Secretary Wilbur Ross, and White House Council on Environmental Quality Chairman Mary Neumayr all gave opening remarks prior to the group's June 6 discussion, which was behind closed doors.

Perdue stressed how important it is to "get the process scientifically and legally fixed."

If it doesn't happen soon, American agricultural businesses will grow frustrated and potentially even leave the United States, he said. "We're having companies that originated in these United States threatening to move to other countries that are more accepting of these issues and these processes in order to create jobs and technology advances in other parts of the world."

As required by the farm bill, the working group will need to give its first progress update to Congress in December 2019.

Ag Help

Neumayr, representing the White House, also stated the administration's commitment to effective environmental laws that will ultimately help agricultural businesses.

"Addressing this issue has been a high priority for this administration, which is committed to supporting agricultural communities and rural prosperity," she said.

Ross, echoing a mention from Bernhardt of the intricacies of the task before the group, brought up the need for the new regulations to have a strong scientific basis.

"This is a very complex set of issues including labor instructions, actual versus authorized use, and usage data," he said. "Therefore the best science must underpin our regulatory decisions."

Conservationists Doubtful

Conservationist groups don't think the working group will do anything substantive to fix pesticide regulation—or to save endangered species.

Brett Hartl, government affairs director at the Center for Biological Diversity, said he sees the group as a way to delay any real action on pesticides.

"They don't care about solving the problem. They only care about delaying protections for endangered species so they can protect the pesticides industry," he told Bloomberg Environment.

Hartl said he wasn't impressed by the fact that so many agency and department heads attended the meeting. He said it would have been easy for them to send lower-level staffers.

The presence of cabinet officials "signifies only that this administration is totally beholden to the pesticides industry," he said.

Bloomberg Environmental

EPA Science Advisers Punt on Pollution Rule Costs, Benefits

<https://news.bloombergenvironment.com/environment-and-energy/epa-science-advisers-punt-on-pollution-rule-costs-benefits>

By Abby Smith

The EPA's science advisers are postponing for now a project considering how the agency should weigh secondary health benefits of its pollution controls.

Environmental Protection Agency leadership intends soon to seek the Science Advisory Board's input on a broader push to revise the way it conducts cost-benefit reviews. A key component of this effort would include how the agency weighs co-benefits, Michael Honeycutt, the board's chair and toxicology director for the Texas Commission on Environmental Quality, said at a June 5 meeting. Co-benefits occur where a rule that produces benefits in fulfilling its statutory purpose also generates side or ancillary benefits that weren't necessarily foreseen by the statute.

"EPA is going to bring several I think pretty significant work products to us regarding these very issues," Honeycutt said. "I think right now it's a little premature to start something when we have so many moving parts."

He told reporters after the meeting those work products would stem from EPA Administrator Andrew Wheeler's May 13 memo directing top agency officials to streamline how the EPA assesses the costs and benefits of regulation.

Members of the EPA's Science Advisory Board had proposed in May a project to explore how the agency considers co-benefits—or reductions in pollutants that aren't directly regulated—when justifying pollution controls. It would determine, among other things, what steps the EPA should take to ensure it doesn't overestimate or underestimate co-benefits, according to the project proposal. The EPA's weighing of co-benefits has prompted criticism from industry groups, particularly in the arena of air pollution regulation, where co-benefits have made up a significant portion of some air and climate rules.

Trump EPA officials are seeking to eliminate what they have suggested is an over-reliance on co-benefits in prior regulations. The EPA is pursuing that on a number of fronts—including in revisions to Obama-era regulations like 2012 standards on mercury and air toxics from power plants and carbon dioxide emissions limits for power plants, as well as the broader changes to the EPA's cost-benefit review process.

Aim of EPA's Effort

Industry groups have praised the EPA's memo as an opportunity to realign the agency's regulatory analysis.

Wheeler's memo shouldn't "be viewed as an effort to abandon the Agency's pursuit of improved environmental outcomes—nor has API ever advocated for such a result," Ted Steichen, a senior policy adviser for the American Petroleum Institute, said in comments to the board.

He added the EPA's policy considerations "should rely on a more rational prioritization of resources that is informed by a meaningful weighing of compliance burdens against the risks," while fully considering the uncertainty of those risks.

But environmentalists and other regulatory policy experts have raised concerns that any changes to the way the EPA weighs co-benefits could significantly hamper the agency's ability to issue stricter air and climate rules.

If the EPA were to eliminate consideration of co-benefits, "essentially EPA is going to be using a cost-benefit methodology that conflicts with and overrides policy decisions that are no-brainers, like regulating mercury, when it comes to science," Amit Narang, regulatory policy advocate for consumer advocacy group Public Citizen, told Bloomberg Environment.

"That absolutely should be of utmost concern to the SAB," he added.

Greenwire

Rule would ease limits on genetically modified plants

<https://www.eenews.net/greenwire/stories/1060500125/search?keyword=EPA>

Marc Heller, E&E News reporter

The Department of Agriculture is looking to ease regulations on the release of some bioengineered plants into the environment.

Under a proposed rule published yesterday, certain types of plants would be exempt from regulations, and oversight of others that have insect-killing traits would shift from USDA to EPA.

The proposed regulations seek to resolve challenges the department has faced for several years, including regulatory weaknesses the Office of the Inspector General identified in 2015. Officials said the proposal will provide more clarity while allowing innovation

in crops that can be genetically modified for various purposes, including insect resistance and the production of drugs or industrial compounds.

USDA Undersecretary for Marketing and Regulatory Programs Greg Ibach said in a news release that the proposal would allow the Animal and Plant Health Inspection Service to more precisely evaluate the risks associated with new plant introductions. It would be the first major revision to the regulations since 1987, reflecting advances in the industry.

"This commonsense approach will ultimately give farmers more choices in the field and consumers more choices at the grocery store," Ibach said.

Bioengineered crops give farmers the potential to ward off insects without as much spreading of pesticides, for instance. But the proposed rule also points to the risk that insects attracted to resistant crops might spread into neighboring areas and become serious pests, for instance.

The proposal, which is open to 60 days of public comment, would exempt genetically engineered plants that could be produced through traditional breeding. In those cases, the agency said, they "are likely to pose no greater plant pest risk than their traditionally bred comparators."

In addition, plant developers would be allowed to determine on their own whether their plants belong to a category that's exempt from the regulations. That move would allow USDA to focus on review of genetically engineered plants more likely to pose plant pest risk, the department said.

"Allowing for self-determinations would provide developers with regulatory relief and open more efficient and predictable pathways for innovators to get new modified plants that are unlikely to pose a plant pest risk to market, in turn supporting further innovation," the department said in the proposal.

Oversight of some plants that contain pesticides would fall to EPA, according to the proposal. Small-scale operations of 10 acres or less would shift to EPA oversight, and that agency would decide whether to require permits or conduct inspections of facilities.

Officials intend to coordinate with EPA, according to the proposed rule.

"APHIS recognizes that there are challenges associated with such a transition that would also require EPA to incur the costs associated with setting up a revised regulatory program. Further, such a transition would require policies, procedures, and guidance regarding APHIS' interaction with EPA," APHIS said.

Officials said the proposal would advance the administration's embrace of agricultural biotechnology. The science has support in Congress, as well, where lawmakers struck a balance on labeling of food products derived from bioengineered crops, for instance.

APHIS said that as of July 2018, it has issued more than 19,500 authorizations for the environmental release of genetically engineered organisms in multiple sites, mainly for research and development of crop varieties for agriculture.

The agency said it has issued nearly 14,000 authorizations for the importation of genetically engineered organisms in that time, and more than 12,000 authorizations for the interstate movement of them. APHIS said it has denied slightly more than 1,600 requests for authorizations, many for lack of information.

The Biotechnology Innovation Organization, which supports bioengineering, praised APHIS for a "diligent approach" and said it's reviewing the proposal.

"A functional, predictable, legally defensible, and science-based regulatory infrastructure must be accompanied by credible, proactive transparency measures if we are to spur continued investment in and long-term success for the biology-driven innovations that are improving our planet, health, and food," said Dana O'Brien, executive vice president of BIO's food and agriculture section, in a statement.

POLITICO Pro

EPA science advisers to weigh in on WOTUS rewrite

<https://subscriber.politicopro.com/article/2019/06/epa-science-advisers-to-weigh-in-on-wotus-rewrite-3378211>

BY ANNIE SNIDER

EPA's Science Advisory Board today voted to submit comments to Administrator Andrew Wheeler on areas where his rewrite of the Waters of the U.S. rule diverges from science.

SAB Chairman Michael Honeycutt suggested that the comments should point Wheeler to a deep dive that the SAB released in 2015 on the connections between small upstream waters and wetlands and the larger waterways covered by the Clean Water Act. But he acknowledged that EPA ultimately has to make a policy decision.

"We understand that the science has left the Clean Water Act well behind," Honeycutt said, sketching out what the SAB's commentary would cover. "You have a policy decision to make and here's where we stand on that."

EPA officials have emphasized to the board and the work group that examined the proposal that "the proposed definition of waters of the U.S. is informed but not dictated by science."

Still, the work group called out four key areas where "gaps" existed between the science and the Trump administration's proposal to significantly restrict Clean Water Act protections over streams and wetlands. Those areas include the proposal's exclusion of protections for waterways that flow only after rainfall and the role that groundwater plays in the health of surface waters.

POLITICO Pro

<https://subscriber.politicopro.com/newsletters/morning-energy/2019/06/science-advisory-board-back-in-session-644058>

Science Advisory Board back in session

By Kelsey Tamborrino with help from Anthony Adragna, Annie Snider, Eric Wolff, and Alex Guillen

06/06/19 5:48AM

— PFAS and Waters of the U.S. are on the agenda for Day 2 of EPA's Science Advisory Board meeting.

— The Democratic National Committee won't hold a climate change-focused primary debate, drawing jeers from the environmental community.

— Presidential hopeful Sen. Kamala Harris will unveil legislation today that would help transition the nation's fleet of school buses to run entirely on electric power.

DRIVING THE DAY

SAB BACK IN SESSION: EPA's Science Advisory Board — the agency's panel of outside scientific experts — reconvenes today for Day 2 of its D.C. meeting focused on the agency's agenda under Administrator Andrew Wheeler. The panel will focus on two controversial topics for the agency: its PFAS Action Plan and proposed WOTUS rule.

Get ready for a rumble: The board's work group analyzing the Trump administration's rewrite of the WOTUS rule will tell the agency that there are "some gaps between science and policy that warrant review," according to a memo prepared for the meeting.

Among the scientific advisers' concerns is the administration's decision to exclude ephemeral streams from Clean Water Act protection in the proposed rule, despite findings in a 2015 EPA science report that such streams affect downstream waters. Donald van der Vaart, who was appointed to the board by former administrator Scott Pruitt, dissented from the work group's recommendation saying he agreed with EPA that the issue is one of law rather than science.

PFAS on the mind: Top staffers from EPA's drinking water and research offices will update the board on the agency's PFAS Action Plan released earlier this year, which committed to beginning work on key regulatory steps, including a drinking water limit, and advancing the scientific understanding of the chemicals. See the staffers' presentation [here](#).

— When we last left our scientists: Wheeler addressed the panel Wednesday and committed to working more closely with SAB amid heightened tensions of late. The board voted to review the science behind the Trump administration's planned rollback of vehicle emissions standards — just weeks before the agency is expected to finalize the rule, Pro's Alex Guillén reports.

CLIMATE CHANGE

DNC OPTS OUT OF CLIMATE DEBATE: The DNC has shut down any hope of holding a climate change debate, a major blow to Washington Gov. Jay Inslee, who is building his presidential campaign around the issue and had pushed for the forum.

Inslee called the decision "deeply disappointing" and out of step with Democratic primary voters, POLITICO's Anthony Adragna reports. He also said the organization threatened not to invite him to future debates if he participated in any other climate change debate.

In a statement, the DNC said climate change would remain a top priority during the debates but that it hoped to ensure "vigorous discussion" on all important issues to voters like the economy, climate change and health care.

Inslee told CNN late Wednesday: "I will tell them that what I'm hearing across the country is Democrats are insistent that we call the candidates to a higher plane of discussion of this, which was ignored for the last 20-30 years. So, I hope that they reconsider and I hope the other aspirants to this office join me, as 11 have already, to ask the DNC to reconsider this. The American people deserves this. Our party deserves this." Watch the clip [here](#).

The POLITICO Pro platform has been enhanced to give users a more intuitive, smart, and data-driven experience that delivers personalized content, recommendations and intel tailored to the information you need, when you need it. Experience the new Pro.

AROUND THE AGENCIES

UARG WITHDRAWS FROM LAWSUITS AS IT DISSOLVES: The Utility Air Regulatory Group has started withdrawing from lawsuits in the wake of last month's announcement that the industry group would dissolve. A spokeswoman for Hunton Andrews Kurth, the law firm that ran UARG, confirmed the withdrawals were part of winding down UARG's activities.

The group on Tuesday filed a motion to drop its lawsuit challenging the Obama EPA's supplemental cost finding that kept the Mercury and Air Toxics Standards in place. UARG's withdrawal is unlikely to cause any significant change as others had sued as well and EPA is reworking the underlying finding. In addition, UARG withdrew from helping to defend EPA in a legal challenge against a permitting policy change made by former Administrator Scott Pruitt.

ACE IS NIGH: EPA is finishing up the interagency review process on its final Affordable Clean Energy rule that will replace the Obama-era Clean Power Plan, Alex reports for Pros. EPA wrote in a status report filed with the D.C. Circuit Court of Appeals that it intends to take final action this month.

DOE CHANGES RADIOACTIVE WASTE RULE: The Energy Department issued a new definition of high-level nuclear waste Wednesday that could speed the cleanup of contaminated former weapons development sites, though critics called it insufficient for addressing the problem, Pro's Eric Wolff reports.

ICYMI: GAO SAYS RFS DOES NOT LOWER EMISSIONS: The Renewable Fuel Standard has failed to meaningfully lower greenhouse gas emissions, largely thanks to the failure of advanced biofuels to reach commercial scale, the Government Accountability Office said in a report this week. The RFS still relies largely on conventional corn ethanol, which has lower emissions than gasoline when burned but is produced in plants with few emissions restrictions, according to the report. Producers have been unable to make lower-emitting advanced biofuels, like ethanol produced from the husk of the corn, at commercial scale.

The report also found that gasoline blended with ethanol was cheaper in the Midwest, where transportation for ethanol is cheap, but may likely be pricier elsewhere. University of Illinois agricultural economist Scott Irwin disputed this on Twitter, noting that ethanol provides octane to gasoline in place of other, more expensive additives.

DATAPOINT

THE REALITY OF DIRECT AIR CAPTURE: The idea behind direct air capture is pretty simple: Use technology to suck carbon dioxide out of the air, long after CO2 exits a smokestack or vehicle tailpipe. But the reality is much more complex. POLITICO Pro DataPoint's Patterson Clark breaks down the variety of processes that are being explored to capture and concentrate atmospheric carbon dioxide here.

ON THE HILL

2020 BUS STOP: Sen. Harris will announce a bill today to authorize \$200 million annually from 2020-24 for the Energy Department to fund a Clean Bus Grant Program, Anthony reports. Grants of up to \$2 million would help communities swap diesel buses for electric ones, and priority would be given to lower-income students and the most polluting vehicles. Text of the legislation is [here](#) and one-pager [here](#).

TONKO: TRUMP'S CLIMATE DENIAL 'GROSS NEGLIGENCE': Rep. Paul Tonko, chairman of the Energy and Commerce Environment and Climate Change Subcommittee, bashed President Donald Trump's comments in Europe that climate change "goes both ways" in an interview with ME as indicative he "has no idea as to what he's talking about."

Tonko added: "What we have here is gross negligence on an issue that 97 percent of the world's scientists indicate is real." The New York Democrat, who backed impeachment proceedings against Trump earlier this week, pointed to the \$19 billion disaster aid bill as indicative that the costs of climate change are already mounting. "Doing nothing with climate change will bankrupt us," Tonko said, adding that Trump's comments are "insulting to all the folks who have endured damage."

GAO OPENS RANGE OF CLIMATE STUDIES: GAO will open five studies over the next 12 months to examine the federal response to threats posed by climate change in response to requests led last month by Senate Environment and Public Works ranking member Tom Carper.

The Delaware Democrat requested in May that GAO study the threat climate change poses to nuclear waste, the treatment and disposal of hazardous materials, flood risk planning and infrastructure, U.S. energy infrastructure and chemical facilities.

A lengthy timeline: GAO responded to Carper in letters shared with ME. The agency accepted all five requests but told the senator its study into nuclear waste will be initiated in about three months; energy infrastructure in four months; flood risk infrastructure in 12 months; and hazardous materials and chemicals materials in six months.

POLITICO Pro

<https://subscriber.politicopro.com/article/2019/06/science-advisers-vote-to-review-epa-auto-rule-rollback-3373807>

Science advisers vote to review EPA auto rule rollback

By Alex Guillen 06/05/19 3:54 PM

EPA's Science Advisory Board today voted to scrutinize the science behind the Trump administration's planned rollback of vehicle emissions standards, just weeks before the agency is expected to finalize the rule.

A working group formed last year to consider the matter suggested that the rulemaking should get a closer look from EPA's leading science advisory panel.

The vote coming shortly before the rule is finalized did not raise concerns among members. SAB members did complain earlier in the day that EPA was waiting too long to notify them about rulemakings in general, which Administrator Andrew Wheeler promised to improve.

SAB member John Christy of the University of Alabama in Huntsville argued that any version of the rule will have "zero effect on the climate."

"This is going to be a policy issue. There's no science in terms of its impact on the climate," said Christy, who was appointed to SAB in January by Wheeler. He has long argued that most scientists overestimate the climate's sensitivity to greenhouse gases.

Another SAB member, Steve Hamburg of the Environmental Defense Fund, quickly replied that Christy's statement is "not a consensus position." Another member, Richard Smith of the University of North Carolina at Chapel Hill, agreed.

SAB noted that while EPA may be relying in part on scientific work from the National Highway Traffic Safety Administration, the work must still meet EPA's review requirements